

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**VIOLATIONS: 18 U.S.C. § 1341 - Mail Fraud  
(Ten Counts); 18 U.S.C. § 1957(a) - Money  
Laundering (Thirteen Counts); 18 U.S.C. § 981  
(a)(1)(C) & 28 U.S.C. § 2461(c) - Forfeiture;  
18 U.S.C. § 982(a)(1) - Forfeiture☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ FelonyPENALTY:  
See Attached.

E-filing

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

UNITED STATES POSTAL SERVICE

☐ person is awaiting trial in another Federal or State  
Court, give name of court☐ this person/proceeding is transferred from another  
district per (circle one) FRCrP 20, 21 or 40. Show  
District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on  
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a  
pending case involving this same  
defendant☐ prior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

WADE M. RHYNE, AUSA

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

MAR - 4 2009

DAVID FOSTER CRANE

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

DISTRICT COURT NUMBER

CR09-00230

SBA

**DEFENDANT****IS NOT IN CUSTODY**1) ☒ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons  
was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

Northern District of California, CR-08-0467 SBA

**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other  
charges☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filedDATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

DATE TRANSFERRED  
TO U.S. CUSTODY☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS\*☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons  
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

**ATTACHMENT TO PENALTY SHEET FOR DAVID FOSTER CRANE**

**Counts One Through Ten: (18 U.S.C. § 1341 – Mail Fraud).**

- (1) Imprisonment: Maximum 20 Years.
- (2) Fine: Maximum \$250,000.
- (3) Supervised Release: Maximum 3 Years.
- (4) Special Assessment: \$100.00.

**Counts Eleven Through Twenty-Three: (18 U.S.C. § 1957 – Money Laundering).**

- (1) Imprisonment: Maximum 10 Years.
- (2) Fine: \$250,000 (or twice the amount of the criminally derived property).
- (3) Supervised release: Maximum 3 Years.
- (4) Special assessment: \$100.00.

United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

**CR09-00230**

UNITED STATES OF AMERICA,

V.

E-filing

DAVID FOSTER CRANE,  
a/k/a "Mark Roberts,"  
a/k/a "Mark Johnson,"  
a/k/a "Thomas Gentry,"

DEFENDANT(S).

**INDICTMENT**

18 U.S.C. § 1341 – Mail Fraud (Ten Counts); 18 U.S.C. § 1957(a) –  
Money Laundering (Thirteen Counts);  
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Fraud Proceeds  
Forfeiture;  
18 U.S.C. § 982(a)(1) – Money Laundering Forfeiture

A true bill.

Foreman

Filed in open court this 4<sup>TH</sup> day of

MARCH, 2009

Clerk

Bail, \$

Wayne D. Brazil

No process  
3/4/09

**FILED**

MAR - 4 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**SBA**

JOSEPH P. RUSSONIELLO (CBN 44332)  
United States Attorney

**FILED**

MAR - 4 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**E-filing**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**SBA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID FOSTER CRANE,  
a/k/a "Mark Roberts,"  
a/k/a "Mark Johnson,"  
a/k/a "Thomas Gentry,"

Defendant.

**CR09-00230**

VIOLATIONS: 18 U.S.C. § 1341 – Mail  
Fraud (Ten Counts); 18 U.S.C. § 1957(a) –  
Money Laundering (Thirteen Counts); 18  
U.S.C. § 981(a)(1)(C) and 28 U.S.C. §  
2461(c) – Fraud Proceeds Forfeiture; 18  
U.S.C. § 982(a)(1) – Money Laundering  
Forfeiture

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTION

At all times material to this Indictment:

Relevant Entities and Individuals

1. At all times relevant herein, defendant DAVID FOSTER CRANE was an individual residing in the Northern District of California.

2. Beginning no later than in or about March 2004 and continuing until on or about October 19, 2006, CRANE operated a company called GOLDEN HARVEST COMPANY.

1 CRANE advertised that GOLDEN HARVEST was an online loan referral business targeting  
2 individuals with poor credit. Between in or about March 2004 and in or about March 2005,  
3 GOLDEN HARVEST's principal place of business was in San Jose, California. Between in or  
4 about March 2005 and on or about October 19, 2006, GOLDEN HARVEST's principal place of  
5 business was in Pleasanton, California.

6 3. CRANE owned 100% of GOLDEN HARVEST and was responsible for  
7 overseeing the day-to-day operations of GOLDEN HARVEST. Indeed, CRANE was the sole  
8 employee of GOLDEN HARVEST and he operated the business from his home in the Northern  
9 District of California (first in San Jose, California and then in Pleasanton, California). CRANE  
10 used the fraudulent aliases of MARK ROBERTS, MARK JOHNSON, and THOMAS GENTRY,  
11 ESQ., in operating GOLDEN HARVEST.

12 The Scheme to Defraud

13 4. Beginning in or about March 2004 and continuing until on or about October 19,  
14 2006, in the Northern District of California and elsewhere, CRANE did knowingly devise and  
15 intend to devise a scheme and artifice to defraud and to obtain money by means of materially  
16 false and fraudulent pretenses, representations, and promises, and by means of material  
17 omissions of facts. In addition, CRANE used the mails to carry out and to attempt to carry out  
18 essential parts of this scheme.

19 The Manner and Means of the Scheme to Defraud

20 5. CRANE advertised his loan referral service through various websites operated by  
21 him and/or GOLDEN HARVEST, including [www.badcreditloansources.biz](http://www.badcreditloansources.biz) and  
22 [www.badcreditlender.us](http://www.badcreditlender.us), all of which contained effectively the same content. According to the  
23 websites, CRANE's service operated as follows: (A) an individual would complete an online  
24 questionnaire called a "loan search application" providing his/her contact information, and then  
25 select from a series of drop-down menus to describe the loan amount and payment schedule  
26 desired, as well as the individual's credit history; (B) the individual would submit a fee of \$99,  
27 by submitting an online credit card payment or by mailing a money order to GOLDEN  
28 HARVEST; (C) the loan search application would be reviewed by "agents" and processed

1 through the "search computer;" and (D) the individual would receive an e-mail with a username  
2 and password used to access a webpage containing a list of potential lenders. In fact, however,  
3 the completed loan search application was not reviewed, there were no "agents," there was no  
4 "search computer," and each customer generally received the same list of six potential lenders.

5 6. As part of and in furtherance of his scheme to defraud, CRANE made materially  
6 false representations to, and omitted material facts from, potential and actual GOLDEN  
7 HARVEST customers. For example:

8 a. CRANE represented that "professional financial agents" search for lenders  
9 for the customers. CRANE's website represented, "We really search out real lenders for honest  
10 loans. We work for you!" In the "frequently asked questions" section, CRANE's website  
11 represented that the "search fee helps us cover the cost of searching for the best possible  
12 lenders." In fact, however, each customer generally received the same list of six potential  
13 lenders; there were no "professional financial agents;" and no such personalized search was  
14 conducted.

15 b. CRANE represented that his service had been highly recommended by  
16 guests on "Oprah," "Good Morning America," the "Montel Williams Show," and "The View,"  
17 and provided positive quotes from PBS and NBC's "Today Show." CRANE represented that his  
18 service had been featured in Suze Orman's book, on "Larry King Live," and that his company  
19 had been in business for 10 years. CRANE also represented that his service had been featured in  
20 a New York Times best selling book, "Get Approved For Any Loan With Bad Credit," and that  
21 his service had "Just rated #1 in MAY 2006 as the BEST lender search company on the internet  
22 by Financial Digest magazine," and had "Just rated #1 in SEPTEMBER 2006 by MONEY  
23 magazine." All of those representations were false.

24 c. CRANE represented his service as "RISK-FREE" with a "Refund  
25 Policy/Procedure." CRANE represented that a customer would receive a refund if: (1) the  
26 customer received "decline letters" from each of the lenders provided by GOLDEN HARVEST;  
27 and (2) the customer mailed each of those "official decline letters" to GOLDEN HARVEST.  
28 CRANE represented that "You owe us NOTHING if we are unable to find you at least ONE

1 lender. You can apply RISK-FREE and with CONFIDENCE!" CRANE, however, did not  
2 intend to honor this refund policy, did not honor this refund policy, and, in fact, in some  
3 instances CRANE never opened the refund requests that customers mailed to GOLDEN  
4 HARVEST.

5 d. In other instances, and in furtherance of the scheme to defraud, CRANE  
6 made representations designed to delay and deter customer complaints to the authorities by  
7 sending e-mails to the customers who made refund requests. In those e-mails, CRANE told  
8 customers that their refund request was being processed; that GOLDEN HARVEST would need  
9 to check with its accounting department about their refund request; and that their refund request  
10 was denied because the customer had failed to follow the proper refund procedure. All of those  
11 representations were false. In at least one e-mail, CRANE falsely purported to be a lawyer  
12 retained by GOLDEN HARVEST and threatened the customer with legal action if the customer  
13 refused to withdraw a refund request; CRANE told the customer that the refund request  
14 constituted "FELONY" fraud punishable by "by a minimum fine of \$10,000 and six months jail  
15 time," that the customer was "required to appear to a preliminary hearing in California," that  
16 "details are being mailed to your current employer," that "if you fail to appear to this hearing, an  
17 arrest warrant for you will be issued in your state," and that the "cost of hiring a lawyer and  
18 traveling to California will far exceed the \$99 dollar fee you are disputing."

19 7. Based upon CRANE's materially false representations and material omissions of  
20 fact, thousands of individuals submitted fees of \$99 to GOLDEN HARVEST in exchange for a  
21 personalized list of potential lenders. CRANE generally sent these individuals the same list of  
22 six potential lenders. CRANE then used the monies to pay for a car, a home, home  
23 improvements, a pool, and a condominium in Hawaii, among other luxury items. Between  
24 March 2004 and August 31, 2006, CRANE collected approximately \$2.5 million from his  
25 scheme to defraud.

26 USE OF THE MAIL COUNTS

27 COUNTS ONE THROUGH TEN: (18 U.S.C. § 1341 – Mail Fraud)

28 8. Paragraphs 1 through 7 of this Indictment are realleged and fully incorporated

herein.

9. On or about the dates listed below, in the Northern District of California, and elsewhere, to execute the scheme and artifice to defraud set forth above, the defendant,

DAVID FOSTER CRANE,

did knowingly cause to be deposited in post offices and authorized depositories the below listed mail matter to be delivered by the United States Postal Service and other private and commercial interstate carriers:

Count	Date of Mailing	Mailed From	Mailed To	Item Description
1	10/5/2005	Killeen, TX	Pleasanton, CA	\$99 Money Order
2	5/1/2006	Pahrump, NV	Pleasanton, CA	\$99 Money Order
3	5/10/2006	Hamel, IL	Pleasanton, CA	Golden Harvest Refund Request
4	5/10/2006	Vacherie, LA	Pleasanton, CA	Golden Harvest Refund Request
5	5/12/2006	Kenmore, NY	Pleasanton, CA	Golden Harvest Refund Request
6	5/12/2006	Kansas City, MO	Pleasanton, CA	Golden Harvest Refund Request
7	5/15/2006	Dunbar, WV	Pleasanton, CA	Golden Harvest Refund Request
8	6/19/2006	Santa Clarita, CA	Pleasanton, CA	Golden Harvest Refund Request
9	6/20/2006	Vacherie, LA	Pleasanton, CA	Golden Harvest Refund Request
10	6/27/2006	Houston, TX	Pleasanton, CA	Golden Harvest Refund Request

Each in violation of Title 18, United States Code, Section 1341.

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INDICTMENT



MONEY LAUNDERING COUNTSCOUNTS ELEVEN THROUGH TWENTY-THREE:

(18 U.S.C. § 1957(a) – Engaging in Monetary Transactions in Property Derived From Specified Unlawful Activity)

10. Paragraphs 1 through 9 of this Indictment are incorporated by reference as though fully set forth in these counts.

11. On or about the dates set forth below, in the Northern District of California, and elsewhere, the defendant,

DAVID FOSTER CRANE,

did knowingly engage in the following monetary transactions, as defined in Title 18, United States Code, Section 1957(f)(1), in the following amounts using criminally derived property of a value greater than \$10,000 knowing that such property had been derived from the commission of specified unlawful activity, namely, mail fraud as alleged in Counts One through Ten of this Indictment:

Count	Date	Transaction	Amount
11	12/9/2004	Deposit Payment for Purchase of Lot #106 located at 7208 Rosecliff Court, Pleasanton, CA	\$50,000 (Check No. 1130)
12	12/20/2004	Payment to Greenbriar Homes Communities, Inc.	\$46,102 (Check No. 1132)
13	5/31/2005	Payment to Countrywide Mortgage	\$24,000 (Electronic withdrawal)
14	6/17/2005	Payment to Michael Stead Pontiac-GMC-Buick for 2005 GMC Yukon	\$48,358.41 (Check No. 1166)
15	9/14/2005	Payment to Elliot Designs	\$20,453.44 (Check No. 1179)
16	2/27/2006	Payment to Hacienda Pools	\$10,169.33 (Check No. 1218)
17	3/1/2006	Payment to Hacienda Pools	\$11,681 (Check No. 1222)
18	5/3/2006	Payment to Hacienda Pools	\$16,601 (Check No. 1241)
19	5/24/2006	Payment to Hacienda Pools	\$14,916 (Check No. 1249)

20	6/20/2006	Payment to Washington Mutual	\$250,000 (Transfer)
21	6/20/2006	Payment to Washington Mutual	\$200,000 (Transfer)
22	8/2/2006	Payment to T.D. Construction	\$15,832 (Check No. 1292)
23	8/11/2006	Payment to T.D. Construction	\$11,875 (Check No. 1293)

Each in violation of Title 18, United States Code, Section 1957(a).

### FORFEITURE ALLEGATIONS

FIRST FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)  
– Mail Fraud Forfeiture)

12. The factual allegations contained in Counts One through Ten of this Indictment are hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

13. Upon a conviction of any of the offenses alleged in Counts One through Ten, the defendant,

DAVID FOSTER CRANE,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all right, title and interest in property, real and personal, constituting, derived from, or traceable to the proceeds that defendant obtained directly or indirectly as a result of the offenses, including but not limited to:

1. Home located at 7208 Rosecliff Court, Pleasanton, California;
2. Condominium located at 78-7110 Kaluna Street, #A308, Kailua-Kona, Hawaii;
3. One 2005 GMC Yukon;
4. Washington Mutual Certificate of Deposit for \$250,000; and
5. Washington Mutual Certificate of Deposit for \$200,000.

14. If, as a result of any act or omission of the defendant, any of said property
- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be divided without difficulty;

any and all interest defendant has in any other property, up to value of the property described in Paragraph 13 above, shall be forfeited to the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(1) – Money Laundering Forfeiture)

15. The factual allegations contained in Counts Eleven through Twenty-Three of this Indictment are hereby realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(1).

16. Upon a conviction of any of the offenses alleged in Counts Eleven through Twenty-Three, the defendant,

DAVID FOSTER CRANE,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all right, title and interest in property, real and personal, involved in said violation, or any property traceable to such property, including but not limited to the following:

- a. all commission, fees and other property constituting proceeds of said offense;
- b. all property used in any manner to commit or facilitate the commission of said offense;
- c. a sum of money equal to the total amount of money involved in the commission of said offense.

17. If, as a result of any act or omission of the defendant, any of said property

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;


any and all interest defendant has in any other property, up to value of the property described in paragraph 16 above, shall be forfeited to the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).


DATED: March 4, 2009

A TRUE BILL.

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
W. DOUGLAS SPRAGUE  
Chief, Oakland Branch

(Approved as to form:   
AUSA WADE M. RHYNE  
AUSA JAMES C. MANN